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5 UNITED STATES DISTRICT COURT  
6 NORTHERN DISTRICT OF CALIFORNIA  
7 OAKLAND DIVISION

8 UNITED STATES OF AMERICA, ) No. CR-11-00291 SBA  
9 Plaintiff, )  
10 v. ) ORDER GRANTING STIPULATED  
11 HONORATO ESQUIVIAS PADILLA, ) REQUEST TO CONTINUE CHANGE OF  
12 Defendant. ) PLEA AND SENTENCING TO  
13 ) FEBRUARY 15, 2012 AND TO EXCLUDE  
14 ) TIME UNDER THE SPEEDY TRIAL ACT  
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16 The parties requested that the change of plea and sentencing hearing in this matter set for  
17 January 27, 2012 be continued to February 15, 2012 at 10:00 a.m. The parties further requested  
18 that time be excluded pursuant to the Speedy Trial Act between January 17, 2012 and February  
19 15, 2012 for (1) continuity of government counsel, and (2) for consideration by the Court of a  
20 proposed plea agreement to be entered into by the defendant and the attorney for the  
21 government.

22 The parties previously submitted a proposed plea agreement for the Court's  
23 consideration. Accordingly, in order to allow time for the Court to consider the proposed plea  
24 agreement and the Pre-Plea Presentence Investigation Report ("PSR"), the parties stipulated and  
25 agreed that the time between January 17, 2012 and February 15, 2012 should be excluded  
26 pursuant to the Speedy Trial Act, and specifically pursuant to 18 U.S.C. § 3161(h)(1)(G), for  
27 consideration by the Court of a proposed plea agreement to be entered into by the defendant and  
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1 the attorney for the government. Defendant continues to agree that the Court may review the  
2 PSR even though he has not yet pleaded guilty.

3 Additionally, in light of the unavailability of lead counsel for the United States, the  
4 parties agreed the ends of justice served by granting the continuance outweigh the best interests  
5 of the public and defendant in a speedy trial. Therefore, the parties further stipulated and  
6 requested that the Court exclude time between January 17, 2012 and February 15, 2012 pursuant  
7 to the Speedy Trial Act for continuity of government counsel and pursuant to 18 U.S.C. §§  
8 3161(h)(7)(A) and (B)(iv).

9 Good cause appearing therefor, and pursuant to 18 U.S.C. §§ 3161(h)(1)(G) and  
10 3161(h)(7)(A) and (B)(iv),

11 **IT IS HEREBY ORDERED** that this matter is continued to February 15, 2012 at 10:00  
12 a.m. for change of plea and sentencing, and that time between January 17, 2012 and February 15,  
13 2012 is excluded pursuant to the Speedy Trial Act, and specifically pursuant to (1) 18 U.S.C. §  
14 3161(h)(1)(G), for consideration by the Court of a proposed plea agreement to be entered into by  
15 the defendant and the attorney for the government, and (2) 18 U.S.C. §§ 3161(h)(7)(A) and  
16 (B)(iv), for continuity of government counsel.

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18 DATED: \_\_1/17/12

  
HON. SAUNDRA BROWN ARMSTRONG  
United States District Court Judge